

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

|                                  |   |                                    |
|----------------------------------|---|------------------------------------|
| <b>James L. Phelps,</b>          | : |                                    |
| <b>Petitioner/Defendant,</b>     | : | <b>Civil Action No. 10-0529-CG</b> |
| <b>v.</b>                        | : | <b>Criminal No. 06-00279-CG-C</b>  |
| <b>United States of America,</b> | : |                                    |
| <b>Respondent.</b>               | : |                                    |

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the recommendation to which objection is made, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated October 22, 2010 is **ADOPTED** as the opinion of this Court.

**DONE and ORDERED** this 5th day of November, 2010.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE